

### **REMARKS/ARGUMENTS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

The Examiner noted that claims 9-26 were withdrawn from consideration. To reduce outstanding issues and advance prosecution, non-elected claims 9-26 have been canceled from this application, without prejudice. Applicant reserves the right to file a divisional application to the subject matter not claimed herein.

Claims 1-2, 4--9 are now pending.

Original claims 1-2, 4-5 and 7-8 were rejected under 35 USC 102(b) as being anticipated by Ogawa et al. This rejection has been mooted by the incorporation of the limitations of claims 3 into an amended claim 1.

Dependent claim 3 was rejected under 35 USC 102(b) as anticipated by, or in the alternative, under 35 USC 103(a) as obvious over Ogawa et al (GB '640). Applicant respectfully traverses this rejection.

As noted above, the limitations of dependent claim 3 have been incorporated into amended claim 1. Furthermore, claim 1 has been amended to require more specifically that not less than 90% of the peripheral area outside a virtual line at a distance of 3 times the pitch of the cells is blocked with plug material. As defined in the paragraph bridging pages 13 and 14 of applicant's specification, with reference to Figure 4, the length of a pitch is equal to the length "a" of a side of the cell plus the thickness "b" of the partition wall.

Ogawa teaches that reinforcing material is provided in the channels extending therethrough near the outer peripheral portion of the body. It is noted in this regard that Ogawa GB '640 corresponds to JP 63-12658 discussed in the Background of the Invention section of this application. Accordingly, Ogawa is no more relevant than JP

'658 which, as noted on page 2 of applicant's specification, teaches filling the peripheral portion with plug material but gives no definition as to the range of the peripheral area to be filled with the plug material.

Applicant has recognized that if the range of the peripheral area to be filled with plug material is too large, then there is the problem that the exhaust gas filtration area decreases and pressure loss increases. On the other hand, if the peripheral area to be filled with plug material is too small, it is not possible to secure a sufficient strength of the ceramic honeycomb material. Thus, applicant has discovered an optimum range of the pitch at which the virtual line limiting the 90% filled portion of the structure should be. Claim 1 has been amended to specifically limit the location of the virtual line to the upper limit of that range, 3 times the pitch of the cells.

As clearly understood from GB '640, Ogawa does not anticipate plugging not less than 90% of a peripheral area outside a virtual line at a distance 3 times the pitch of the cells in a direction toward the center from the radial inner surface of the surrounding wall.

Thus, GB '640 (Ogawa) does not anticipate this limitation and does not teach the skilled artisan that an exhaust gas purifying filter having a high strength and excellent efficiency of the exhaust gas purification could or should be realized with the parameters recited in applicant's independent claim 1. The invention of claim 1 is not obvious from Ogawa either, because Ogawa does not guide the skilled artisan as to the factors to be balanced to arrive at the claimed value, as defined at page 16, lines 18-36 of applicant's specification.

It is clear that the initial burden of establishing a basis for denying patentability to a claimed invention rests upon the Examiner. In re Piasecki, 745 F. 2d 1468, 223 USPQ 785 (Fed. Cir. 1984). In establishing a *prima facie* case of obviousness under 35 U.S.C. § 103, it is incumbent upon the Examiner to provide a reason why one of ordinary skill in the art would have been led to arrive at the claimed invention from the

prior art. Ex parte Clapp, 227 USPQ 972 (BPAI 1985). To this end, the requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art and not from applicant's disclosure. See, for example, Uniroyal, Inc. v. Rudkin-Wiley Corp. 837 F.2d 1044, 7 USPQ 2d 1434 (Fed. Cir. 1988).

With regard to the limitation of applicant's original dependent claim 3 now incorporated in claim 1, applicant respectfully traverses the Examiner's summary conclusion of obviousness. In this regard, although Ogawa mentions that the partition walls defining channels of a honeycomb body are "thinner and have a larger porosity" for the purpose of improving the function of such bodies, Ogawa does not describe *per se* the porosity of the honeycomb body described therein.

According to an example embodiment of the invention, Applicant has discovered that when the walls of the channels of the honeycomb body have a porosity of not less than 50%, then, to provide an appropriate balance between filtration area, pressure loss, efficiency of purification and mechanical strength, the virtual line delimiting is 90% plugging, as claimed in claim 1, is 3 times the pitch. Thus, the invention of claim 1 plugs 90% of the cells outside a virtual line at 3 times the pitch when the porosity is greater than 50%.

Ogawa fails to disclose the porosity of his ceramic honeycomb body and does not teach a range of the pitch of cells to be filled with reinforcing material, and certainly does not anticipate a 3 times pitch as claimed. The Examiner does not cite any art that teaches or suggests that in the particular combination claimed (where the walls have a porosity of not less than 50%), the described virtual line is at a distance of 3 times the pitch. It is therefore respectfully submitted that the Examiner's suggestion that a general reference to "a larger porosity" meets the limitations of applicant's claims or renders them obvious, is an improper hindsight reconstruction of the subject matter of

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applicant's claim 1 art and is not based on a teaching that would be derived from the applied art by one skilled in this art.

In view of the foregoing, reconsideration and withdrawal of the rejection based on Ogawa is solicited.

Original claim 6 was rejected under 35 USC 103(a) as being unpatentable over Ogawa et al as applied to claim 1 and further in view of Worner et al. Applicant respectfully traverses this rejection.

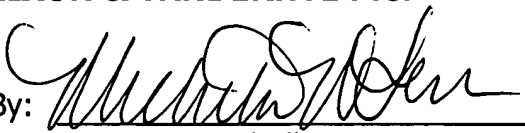
Claim 6 is submitted to be patentable over Ogawa for the reasons advanced above with respect to claim 1. The Examiner's further reliance on Worner does not overcome the deficiencies of Ogawa noted above. It is therefore respectfully submitted that claim 6 is patentable as well.

In view of the foregoing, reconsideration and withdrawal of the rejections of record is solicited.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

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